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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,668	04/02/2004	Attila Simofi-Ilyes	2003P16621US01	9698

7590 03/20/2006  
Elsa Keller, Legal Assistant  
Intellectual Property Department  
SIEMENS CORPORATION  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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PRESTON, ERIK D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/816,668

Applicant(s)

SIMOFI-ILYES ET AL.

Examiner

Erik D. Preston

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/21/2006 has been entered.

### ***Drawings***

Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

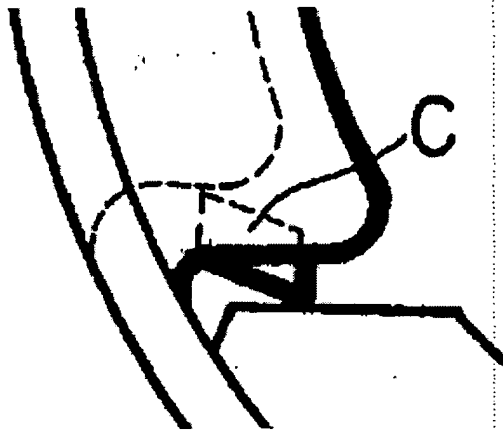
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Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMillen (US 4296343 supplied by applicant) in view of Yamaguchi et al. (US 3988623 supplied by applicant).

With respect to claims 1,3,6,10 & 13 McMillen teaches a stator assembly for a brush-type permanent magnet DC motor having N number of poles, the stator assembly comprising: A stator body (Fig. 3, #12) having a central axis and an annular inner wall disposed about the central axis, the inner wall having an entirely curved raised portion (Fig. 3, #54) and an entirely curved recess (Fig. 3, #42) adjacent to the raised portion, the raised portion being closer to the central axis than the recess, the at least one raised portion having a flux recovery feature (Col. 1, Lines 26-45), and a permanent magnet (Fig. 3, #50) mounted within the recess and defining with the flux recovery feature, a magnetic circuit, wherein an inside radius of the magnet is substantially the same as, and concentric with, an inside radius of the raised portion as measured from the central axis, wherein, in section, the at least one raised portion is joined directly with a surface defining the recess by a generally S-shaped structure thereby defining an entirely curved transition there-between, wherein a number of raised portions is equal to a number of magnets and the number of magnets is  $N/2$ , but it does not explicitly teach the generally S-shaped structure defining an entirely curved and non-planar transition. However, Yamaguchi teaches a stator body wherein, in section, the at least one raised portion (Fig. 3, d) is joined directly with a surface defining the recess (Fig. 2, #1a) by a generally S-shaped structure thereby defining an entirely curved and non-planar transition there-between (as seen in Fig. 3, enlarged below). It would have been

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obvious to one of ordinary skill in the art at the time of the invention to modify the S-shaped structure of McMillen in view of the S-shaped structure as taught by Yamaguchi because it provides a means for holding magnets in a case without requiring any binding agent, springs or screws (Yamaguchi, Abstract).



With respect to claims 2 & 11, McMillen in view of Yamaguchi teaches the stator of claims 1 & 10, and McMillen teaches that two raised portions and two magnets are provided (as seen in Fig. 3).

With respect to claims 4,8 & 14, McMillen in view of Yamaguchi teaches the stator of claims 1,6 & 10, and McMillen teaches that the raised portion is integral with the stator body.

With respect to claims 5,9 & 15, McMillen in view of Yamaguchi teaches the stator of claims 1,6 & 10, and McMillen teaches that an exposed surface of the means for recovering flux is of substantially the same dimensions as an exposed surface of the magnet (as seen in Fig. 3).

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With respect to claim 7, McMillen in view of Yamaguchi teaches the stator of claim 6, and McMillen teaches that two raised portions and two magnets are provided for a four-pole motor (Col. 1, Lines 59-65).

With respect to claim 12, McMillen in view of Yamaguchi teaches the stator of claim 10, and McMillen teaches that the means for recovering flux includes a plurality of raised portions extending from the inner wall, and a plurality of permanent magnets are provided with one magnet being disposed between two raised portions (as seen in Fig. 3).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is (571)272-8393. The examiner can normally be reached on Monday through Friday 8-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



03/06/2006



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